

### **REMARKS**

Claims 1, 7 to 22, and 25 were pending. Claims 1, 7 to 16, 18, and 25 have been canceled, claims 17, 19, 20, and 21 have been amended, and claims 26 to 34 have been added. Support for the new claims and the amendments to the claims may be found at page 12, line 20, to page 13, line 2, Figures 2 to 7, and throughout the application. The Examiner withdrew claim 21 from consideration. Claims 17, 19 to 22, and 26 to 34 will be under examination after entry of the amendments. Applicants respectfully request that the amendments be entered because they will simplify the issues on appeal.

The Examiner rejected claims 1 to 4, 7, 11, 12, and 17 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,059,183 to Semrad.

Applicants respectfully traverse this rejection of the claims. Although Applicants disagree with the Examiner, the claims have been amended to expedite prosecution of this application. All of the device claims have been canceled and only method claims remain. The independent claim 17 includes the following (emphasis added):

(i) advancing the catheter over the guide wire by inserting the guide wire through the catheter lumen between the first end and the at least one sidewall port, the first end being the distal most tip of the catheter;

(ii) an embolic protection device is loaded into the catheter prior to advancing the catheter over the guide wire;

(iii) the catheter is advanced over the guide wire to a treatment site and the embolic protection device is advanced out of the catheter through the delivery sheath; and

(iv) after the embolic protection device is advanced out of the catheter, the catheter is removed from the patient's blood vessel, the catheter is reversed such that the second end is the distal most tip of the catheter, the catheter is reintroduced into the patient's blood vessel, and the embolic protection device is recovered into the retrieval sheath.

Semrad does not teach or suggest such a method. Nothing in Semrad teaches or suggests

delivering and retrieving an embolic protection device with a catheter having a delivery sheath on one end and a retrieval sheath on the opposite end, the delivery sheath being the distal most portion of the catheter when the embolic protection device is delivered, removing the catheter and reversing it so that the retrieval sheath is the distal most portion of the catheter and recovering the embolic protection device into the retrieval sheath. The remaining claims depend from claim 17 so the same analysis applies to these claims. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection of the claims.

The Examiner rejected claims 1, 7, 11 to 19 and 25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,152,946 to Broome et al. (“Broome”) in view of Semrad.

Applicants respectfully traverse this rejection of the claims. Although Applicants disagree with the Examiner, the claims have been amended to expedite prosecution of this application. All of the device claims have been canceled and only method claims remain. The independent claim 17 includes the following (emphasis added):

(i) advancing the catheter over the guide wire by inserting the guide wire through the catheter lumen between the first end and the at least one sidewall port, the first end being the distal most tip of the catheter;

(ii) an embolic protection device is loaded into the catheter prior to advancing the catheter over the guide wire;

(iii) the catheter is advanced over the guide wire to a treatment site and the embolic protection device is advanced out of the catheter through the delivery sheath; and

(iv) after the embolic protection device is advanced out of the catheter, the catheter is removed from the patient’s blood vessel, the catheter is reversed such that the second end is the distal most tip of the catheter, the catheter is reintroduced into the patient’s blood vessel, and the embolic protection device is recovered into the retrieval sheath.

Broome does not teach or suggest such a method. Nothing in Broome teaches or suggests delivering and retrieving an embolic protection device with a catheter having a delivery sheath on one end and a retrieval sheath on the opposite end, the delivery sheath being the distal most portion of the catheter when the embolic protection device is delivered, removing the catheter and reversing it so that the retrieval sheath is the distal most portion of the catheter and recovering the embolic protection device into the retrieval sheath. As discussed above, Semrad does not remedy this deficiency of Broome. The remaining claims depend from claim 17 so the same analysis applies to these claims. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection of the claims.

The Examiner rejected claims 8, 9, 20, and 22 under 35 U.S.C. § 103(a) as being unpatentable over Broome in view of Semrad and U.S. Patent No. 5,662,703 to Yurek et al. (“Yurek”).

Applicants respectfully traverse this rejection of the claims. Claims 8 and 9 have been canceled and claims 20 and 22 depend from claim 17. As discussed above in connection with claim 17, Broome and Semrad do not teach or suggest the subject matter of claim 17. Because claims 20 and 22 depend from claim 17, the same arguments apply to these claims. Yurek does not remedy the defects of Broome and Semrad. In view of the remarks above, Applicants respectfully request that the Examiner withdraw this rejection of the claims.

Amendment and Response  
Applicants: Cathleen von Lehe et al.  
Serial Number: 10/810,445

Attorney Docket: EV31009US

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Respectfully submitted,

Dated: February 10, 2009

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